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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,608	08/04/2003	Scott H. Mills	1033-T00505	1607
60533 7590 03/21/2007 TOLER SCHAFFER, LLP 8500 BLUFFSTONE COVE SUITE A201 AUSTIN, TX 78759			EXAMINER CAMPBELL, JOSHUA D	
			ART UNIT 2178	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			03/21/2007	
			DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/604,608	Applicant(s) MILLS ET AL.	
	Examiner Joshua D. Campbell	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-10,12-14 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-10,12-14 and 16-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Request for Consideration on 1/8/2007.
2. Claims 1, 2, 4, 6-10, 12-14, 16, 17, and 20-22 are pending in this case. Claims 1, 10, and 12 are independent claims.
3. The rejection of claims 1, 2, 4, 6-10, 12-14, 16, 17 and 20-22 under 35 U.S.C. 102(b) as being anticipated by Koss (U.S. Patent 5272628; date of patent December 21, 1993; filed April 16, 1990) has been withdrawn due to arguments presented.
4. The rejection of claim 18 under 35 U.S.C. 103(a) as being unpatentable over Koss in view of Reed et al. (U.S. Patent 5396587; date of patent March 7, 1995; filed April 11, 1990) has been withdrawn due to arguments.
5. The rejection of claim 19 under 35 U.S.C. 103(a) as being unpatentable over Koss in view of Anson (U.S. Pub. No. 20030061193; publication date March 27, 2003; filed September 24, 2001) has been withdrawn due to arguments.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10 and 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are non-statutory for at least the reason that they are not tangibly embodied in a manner so as to be executable (i.e.

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stored on a computer readable medium, specifically not including a carrier wave or other transmission medium). Further, a collection of software procedures that are not being executed by a system, per se, is an abstract idea, directed solely to non-functional descriptive material, which is also non-statutory.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 4, 6-8, 10, 12-14, 16-18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Halvorson et al. (hereinafter Halvorson, "Microsoft Office XP Inside Out," published in 2001).

Regarding independent claim 1, Halvorson discloses receiving a selection of multiple spreadsheets and multiple portions of those spreadsheets via a graphical control panel (pages 689-693 of Halvorson). Halvorson discloses that the data portions are retrieved and appended to the generated final report spreadsheet, including appending information identifying the sources of the data portions (pages 694-697 of Halvorson).

Regarding dependent claims 2, 4, and 6, Halvorson discloses the ability to make a selection of a workbook, a worksheet, and any portion of a worksheet including

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cells, rows, columns, etc. to be used in the creation of the final report spreadsheet (pages 689-693 of Halvorson).

Regarding dependent claim 7, Halvorson discloses that receiving a selection of portions of data comprising searching for desired text in the spreadsheet (pages 694-697 of Halvorson).

Regarding dependent claim 8, Halvorson discloses that data not found in the selected spreadsheets may also be appended to the final report spreadsheet (pages 694-697 of Halvorson).

Regarding independent claim 10, Halvorson discloses receiving a selection of multiple spreadsheets and multiple portions of those spreadsheets via a graphical control panel (pages 689-693 of Halvorson). Halvorson discloses that the data portions are searched for and retrieved and appended to the generated final report spreadsheet, including appending information identifying the sources of the data portions (pages 694-697 of Halvorson).

Regarding independent claim 12, Halvorson discloses receiving a selection of multiple spreadsheets and multiple portions of those spreadsheets via a graphical control panel (pages 689-693 of Halvorson). Halvorson discloses that the data portions are searched for and retrieved and appended to the generated final report spreadsheet, including appending information identifying the sources of the data portions (pages 694-697 of Halvorson).

Regarding dependent claims 13-17, Halvorson discloses the ability to open a workbook, all workbooks open, and one or more worksheets and then select data from the opened files (pages 689-693 of Halvorson).

Regarding dependent claim 18, Halvorson discloses the use of a status indicator (page 605, Figure 21-1).

Regarding dependent claim 20, Halvorson discloses at least one window is used to receive selection of spreadsheets and the portions within those spreadsheets (pages 694-697 of Halvorson).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 9, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halvorson et al. (hereinafter Halvorson, "Microsoft Office XP Inside Out," published in 2001) in view of Koss (US Patent Number 5,272,628, issued on December 21, 1993).

Regarding dependent claims 9, 21, and 22, Halvorson does not disclose that custom searches are stored to search for data without the selection of data portions. However, Koss discloses storing custom searches, wherein a custom search enables execution of a predetermined search without selection of portions of data to be searched (column 1, line 52-column 2, line 9 of Koss). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Halvorson with the teachings of Koss, because it would have allowed the selection of data to be included in the report sheet to be created automatically without user input.

12. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halvorson et al. (hereinafter Halvorson, "Microsoft Office XP Inside Out," published in 2001) in view of Anson (US Patent Application Publication Number 2003/0061193, filed September 24, 2001).

Regarding dependent claim 19, Halvorson does not disclose using an event logger to tracking the events that take place during processing. However, Anson teaches logging events in the system during processing and presenting that log to a user (page 1, paragraph 0006 of Anson). It would have been obvious to one of ordinary

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skill in the art at the time the invention was made to have combined the teachings of Halvorson with the teachings of Anson because analyzing and examining entries in a log would have allowed a user to prevent errors from reoccurring.

Response to Arguments

13. Applicant's arguments, with respect to the rejection(s) of claim(s) 1, 2, 4, 6-10, 12-14, 16, 17, and 20-22 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection has been made (see above).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDC
March 8, 2007



STEPHEN HONG
SUPERVISORY PATENT EXAMINER